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     MITCHELL D. GLINER, ESQ.
     Nevada Bar #003419
 2
     3017 West Charleston Blvd., #95
     Las Vegas, NV 89102
 3
     (702) 870-8700
     (702) 870-0034 Fax
 4
    Attorney for Plaintiff
 5
                        UNITED STATES DISTRICT COURT
 6
                             DISTRICT OF NEVADA
 7
 8
    ALICIA S. MORSE,
 9
          Plaintiff,
10
                                       No.
    vs.
11
     EQUIFAX INFORMATION
12
     SERVICES LLC,
13
          Defendant.
                                       JURY DEMANDED
14
15
                                  COMPLAINT
16
                                JURISDICTION
17
               The jurisdiction of this Court attains pursuant to the
    FCRA, 15 U.S.C. Section 1681(p), and the doctrine of supplemental
18
     jurisdiction. Venue lies in the Southern Division of the Judicial
19
20
    District of Nevada as Plaintiff's claims arose from acts of the
21
    Defendant perpetrated therein.
22
                           PRELIMINARY STATEMENT
23
               The Plaintiff brings this action for damages based upon
    Defendant's violations of the Fair Credit Reporting Act, 15 U.S.C
24
25
     § 1681 et seq. (hereinafter referred to as "FCRA"), and of state
     law obligations brought as supplemental claims.
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- 3. Plaintiff is a natural person and is a resident and citizen of the State of Nevada and of the United States. Plaintiff is a "consumer" as defined by § 1681a(c) of the FCRA.
- 4. The Defendant EQUIFAX INFORMATION SERVICES LLC, ("EQUIFAX") is a corporate entity licensed to do business in the State of Nevada.
- 5. Equifax is a consumer reporting agency, as defined in § 1681(f) of the FCRA, regularly engaged in the business of assembling, evaluating, and dispersing information concerning consumers for the purpose of furnishing consumer reports, as defined in § 1681a(d) of the FCRA, to third parties.

#### FACTUAL ALLEGATIONS

- 6. Plaintiff's creditworthiness has been repeatedly compromised by the acts, obduracy and general indifference of the Defendant.
- 7. Plaintiff was an authorized user (AU) only on both the Capital One and USAA credit card accounts underlying this action.
- 8. Plaintiff's former spouse, Sean Morse, was the sole obligor.
  - 9. On March 24, 2011 Plaintiff and Mr. Morse divorced.
- 10. On November 14, 2011 Plaintiff requested Defendant delete both accounts advising she was an authorized user only (Exhibit 1).
- 11. Plaintiff additionally explained that she had no personal liability for either account.
  - 12. Plaintiff also expressed:
    - Please do not "verify" either of these accounts absent production by Capital One and/or USAA of the credit card application bearing my signature.

Respectfully, if you simply parrot a 1 verification without first acquiring 2 the application itself, I will be forced to sue you, USAA 3 Capital One under the Fair Credit Reporting Act. 4 5 13. Notwithstanding, Defendant verified each account without 6 explanation (Exhibit 2). 7 14. The Capital One account reflects extensive delinquencies. 15. 8 The USAA account reflects Plaintiff's 9 obligation of nearly \$14,000.00. 10 Exhibit 2 additionally reflects the verification of two 11 accounts not at all disputed. 12 17. Both Capital One and USAA have since instructed deletion 13 of the disputed accounts (Exhibits 3 and 4). 14 STATEMENT OF CLAIM AS AGAINST DEFENDANT 15 18. In the entire course of its action, Defendant willfully and/or negligently violated the provisions of the FCRA in the 16 17 following respects: 18 By willfully and/or negligently failing. a. preparation of the consumer reports concerning Plaintiff, 19 20 to follow reasonable procedures to assure maximum 21 possible accuracy of the information in the reports. 22 b. By willfully and/or negligently failing to comport with 23 FCRA § 1681i. 24 / / / 25 / / /

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# Case 2:13-cv-00715-APG-PAL Document 1 Filed 04/26/13 Page 4 of 12

PRAYER FOR RELIEF THEREFORE, Plaintiff prays that the court grant the following relief as against Defendant: a. actual damages; b. punitive damages; attorney's fees; and C. d. costs. Respectfully submitted, MITCHELL D. GLINER, ESQ. Nevada Bar #003419 3017 West Charleston Boulevard Suite 95 Las Vegas, NV 89102 Attorney for Plaintiff 

November 14, 2011

#### CERTIFIED MAIL, RETURN RECEIPT REQUESTED

EQUIFAX INFORMATION SERVICES, LLC. P. 0. Box 740241 Atlanta, Georgia 30374

Re: Alicia Sarah Morse

Dear Sir:

This letter is a dispute. I've attached an excerpt from my recent credit profile.

I provide my personal information: Alicia S. Morse; Spouse: N/A; current address: 7228 Eve Court, Las Vegas, Nevada 89145; previous address: 319 Centre Avenue, Apt. 105, Rockland, MA 02370; SSN 1337; date of birth: April 4, 1973.

Please <u>delete</u> the bracketed Capital One Bank and USAA Credit Card bank account tradelines. I was an authorized user only on each of these cards. However, each erroneously reflects my status as a "Joint account" holder, indicating I am personally liable. My exhusband originally opened these accounts and I never independently submitted a written application.

Please do not "verify" either of these accounts absent production by Capital One and/or USAA of the credit card application bearing my signature. Respectfully, if you simply parrot a verification without first acquiring the application itself, I will be forced to sue you, USAA and/or Capital One under the Fair Credit Reporting Act.

Thank you in advance for your anticipated cooperation.

Sincerely

Alicia S. Morse

Enclosures

CC: Capital One (via certified mail, return receipt requested)
USAA Credit Card Bank(via certified, mail return receipt requested)

EXHIBIT I

Equifax FACTAct



Print This Page

Dote Windels

Save as PDF

10/3/11 10:35 AM

Equifax Credit Report ™ for Alicia S. Morse

As of: 10/03/2011.

Available until: 11/02/2011 Confirmation #: 1776288381 Report Does Not Update

▲ Important. Please print this report as it will only be available for you to view during this session with Equifax. If you would like to view this credit report online free for 30 days, <u>click here</u>,

Section Title	Section Description
1. Credt Summery	Summary of account activity
2. Account Information	Detailed account information
3. Inquiries	Companies that have requested or viewed your credit information
4. Negative information	Bankruptcies, liens, garnishments and other judgments
5. Personal Information	Personal data, addresses, employment history
6. Dispute File Information	How to dispute information found on this credit report
7. Summary of Your Rights Under the FCRA	Summary of Your Rights Under the FCRA
8. Remedying the Effects of Identity Theft	Remedying the Effects of Identity Theft
9. Your Rights Under State Law	Your Rights Under State Law

## **Credit Summary**

Your Equitax Credit Summary highlights the information in your credit file that is most important in determining your credit standing by distilling key credit information into one easy-to-read summary.

### Accounts

Lenders usually take a positive view of individuals with a range of credit accounts - car loan, credit cards, mortgage, etc. - that have a record of timely payments. However, a high debt to credit ratio on certain types of revolving (credit card) accounts and installment loans will typically have a negative impact.

Open Accounts	Total Number	Balanca	Available 🕏	Credit Limit*Ž	Debt to Credit Ratio	Monthly Payment Amount®	Accounts with a Balance
Mortgage	1	\$116,361	\$0	\$135,375	86%	\$1,021	1
Instaliment	1	\$2,090	\$0	\$12,000	17%	\$243	1
Revolving	10	\$21,674	\$3,626	\$25,300	86%	\$135	3
Other	0	\$0	N/A	N/A	NA	\$0	0
Total	12	\$140,125	\$3,626	\$172,675	81%	\$1,399	5
Total	12	\$140,125	\$3,626	\$172,675	81%	s	1,399

**Debt by Account Type** 

**Debt to Credit Ratio by Account Type** 

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San An	San Antonio, TX-782881600	7828816	00							
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CAPITAL ONE

Equitax FACTAct

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07/2011 06/2011 05/2011 05/2011 05/2011 05/2011 05/2011 05/2011 05/2011 05/2011

Page 1 of

EQUIFAX

**Section # 1325029343** CREDIT FILE: December 15, 201

ODear Alicia S Morse

GYour request for Equifax to reinvestigate certain items of your credit file is now complete.

Below are your results and a report of your credit file revised, as applicable, as a result of the reinvestigation. If you have additional questions regarding the reinvestigated items, please contact the source of that information directly. You may also contact Equitax regarding the specific information contained within this letter or report within the next 60 for the provided in days by visting us at www.investigate.equifax.com or by calling a Customer Representative at 1888) 661-5333 from

2103-34168 VV ,aggeV 26J

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Alicia S Morse 7228 Eve Ct

EN3E-053580100

Atlanta, GA 30348 P. O. Box 105518 003541

EXHIBIT 2

39:00am to 5:00pm Monday-Friday in your time zone.

The Results Of Our Reinvestigation  $\frac{\mathbb{Q}}{\mathbb{Q}}$ Thank you for giving Equifax the opportunity to serve you.

Account History 1:30-59 Days Past Due 2:60-89 Days Past Due 3:90-119 Days Past Due 4:120-149 Days Past Due

clicense or birth certificate to update your date of birth. Name: Alicia S Morse Ssn: 018-82-1337

>>> We have reviewed the Identification information. The results are: Please submit a copy of your driver's

90-119 Days Past Due 120-149 Days Past Due : 180 or More Days Past Due : 150-179 Days Past Due Co:lection Account

Foreclosure

Status Code

**Descriptions** 

S. C. A. S. C. C.

Birthdate:

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K : Repossession Charge Off Voluntary Surrender

this item belongs to you. If you have additional questions about this item please contact: Capital One, PO Box >>> We have researched the credit account. Account # - 529149954522\* The results are: Equifax verified that

Capital One Bank USA Na Po Box 30281 Salt Lake Olly UT 841 90-1281

Date Reported 529149954522\* Account Number Batanoe Amount \$0 Pest Due Dute Opened 08/2002 Date of Last Paymot 08/2011 Hg Desi \$8,742 Robbel Paymrt Amount \$2,155 \$3,300 Cledit Limit Scheduled
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>>> We have researched the credit account. Account # - 549123725772\* The results are: Equifax verified that this item belongs to you. If you have additional questions about his item please contact. USAA Savings Bank, 10750 W IH 10, San Antonio TX 78288-1600

USAA Federal Savings Bank 10750 With 10 San Andonio TX 78288-1600

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Status - Pays As Agreed; Type of Account · Revolving; Type of Loan - Flexible Spending Credit Card; Whose Account - Joint Account; ADDITIONAL INFORMATION - ;

We have researched the credit account. Account # - 549123731273°. The results are: Equifax verified that this item belongs to you. Additional information has been provided from the original source regarding this item. If you have additional questions about this item please contact: USAA Savings Bank, 10750 W IH 10, San Antonio TX 78288-1600

SAA Federal Savings Bank 10750 Wilh to San Antonio TX 78288-1600

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Status - Pays As Agreed; Type of Account - Revolving; Type of Loan - Credit Card: Whose Account - Individual Account; ADDITIONAL INFORMATION - Credit Card:

> We have researched the credit account. Account # - 6163\* The results are: Equitax verified that this item belongs to you. If you have additional questions about this item please contact: USAA Federal Savings Bk, 10750 W IH 10, USAA Building Bk P3 East, San Antonio TX 78288-1600 Phone: (800) 531-2265

TISAN Saderal Savings, Hank RO Box 47504 San Anionio TX 78265-7894 (612) 498-7522

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## Case 2:13-cv-00715-APG-PAL Document 1 Filed 04/26/13 Page 11 of 12

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Submitted By: Date: Tel#:

By submitting this AUD, you certify that you have verified the occurrey of the data in compliance with all legal requirements, and your computer and/or manual records will be adjusted to reflect the changes noted.

EXHIRIT 3

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Submitted By: Maricela Rodriguez Date: 03-27-2013

Tel#: (210) 443-6182

By submitting this AUD, you certify that you have verified the accuracy of the data in compliance with all legal requirements, and your computer and/or manual records will be adjusted to reflect the changes noted.